

By: Ellis

S.B. No. 140

Substitute the following for S.B. No. 140:

By: Keel

C.S.S.B. No. 140

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain visual images; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.15, Penal Code, is amended to read as follows:

Sec. 21.15. IMPROPER PHOTOGRAPHY OR VISUAL RECORDING.

(a) In this section, "promote" has the meaning assigned by Section 43.21.

(b) A person commits an offense if the person:

(1) photographs or by videotape or other electronic means visually records another:

(A) ~~[(1)]~~ without the other person's consent; and

(B) ~~[(2)]~~ with intent to arouse or gratify the sexual desire of any person; or

(2) knowing the character and content of the photograph or recording, promotes a photograph or visual recording described by Subdivision (1).

(c) ~~[(b)]~~ An offense under this section is a state jail felony.

(d) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law.

1 SECTION 2. Subchapter Z, Chapter 216, Local Government  
2 Code, is amended by adding Section 216.903 to read as follows:

3 Sec. 216.903. REGULATION OF POLITICAL SIGNS BY  
4 MUNICIPALITY. (a) In this section, "private real property" does  
5 not include real property subject to an easement or other  
6 encumbrance that allows a municipality to use the property for a  
7 public purpose.

8 (b) A municipal charter provision or ordinance that  
9 regulates signs may not, for a sign that contains primarily a  
10 political message and that is located on private real property:

11 (1) prohibit the sign from being placed;

12 (2) require a permit or approval of the municipality  
13 or impose a fee for the sign to be placed; or

14 (3) restrict the size of the sign to a size smaller  
15 than that permitted for other signs under the provision or  
16 ordinance.

17 (c) Subsection (b) does not apply to a sign, including a  
18 billboard, that contains primarily a political message on a  
19 temporary basis and that is generally available for rent or  
20 purchase to carry commercial advertising or other messages that are  
21 not primarily political.

22 SECTION 3. This Act takes effect September 1, 2003.